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INFO RUCNASE/ASEAN MEMBER COLLECTIVE

RUEHGG/UN SECURITY COUNCIL COLLECTIVE

RUEHBY/AMEMBASSY CANBERRA 1800

RUEHNE/AMEMBASSY NEW DELHI 5274

RUEHUL/AMEMBASSY SEOUL 8874

RUEHKO/AMEMBASSY TOKYO 6446

RHHMUNA/CDR USPACOM HONOLULU HI

RUEHGV/USMISSION GENEVA 4289

RHEHNSC/NSC WASHDC

RUCNDT/USMISSION USUN NEW YORK 2268

RUEKJCS/SECDEF WASHDC

RUEHBS/USEU BRUSSELS

RUEKJCS/Joint STAFF WASHDC

C O N F I D E N T I A L SECTION 01 OF 03 RANGOON 000110

SIPDIS

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SUBJECT: UN HUMAN RIGHTS RAPPORTEUR BRIEFS DIPLOMATIC CORPS, DEPARTS BURMA

REF: RANGOON 100

Classified By: Pol Officer Sean O'Neill for Reasons 1.4 (b) & (d)

Summary

¶1. (C) In a February 19 outbrief for the Diplomatic Corps, UN Special Rapporteur for Human Rights in Burma Thomas Ojea Quintana reported on his visit to Insein prison, meetings with several high-level GOB officials in Nay Pyi Taw, and the regime's refusal to let him see Aung San Suu Kyi (ASSK) or visit Kachin and Rakhine States. He raised judicial and legal reform with the Chief Justice, Attorney General and representatives from Burma's Bar Association. He urged the Minister of Home Affairs and Chief of Police to begin releasing "prisoners of conscience" immediately. Leaders of the regime's Union Solidarity and Development Association (USDA) told Ojea Quintana they are encouraging their members to participate in the 2010 elections and may form a political party. Ojea Quintana reported that the Ministry of Home Affairs reversed course and granted his request to see U Win Tin; but the NLD leader and former political prisoner later canceled the meeting. The NLD has confirmed to us that U Win Tin did cancel to protest the regime's not permitting Ojea Quintana to meet with the entire NLD Central Executive Committee (CEC). End Summary.

Visit to Insein Prison

¶2. (SBU) Ojea Quintana confirmed to the Diplomatic Corps that he visited with five political prisoners at Insein prison February 16. While he did not name the prisoners, the description he provided to the Diplomatic Corps corresponds to the list of names he privately provided Charge on February 17 (reftel). As in his private meeting with Charge, Ojea Quintana declined to provide any details about his prison visit, saying he would discuss the condition of the prison and prisoners in his subsequent reports. He did, however, point out that he believes prisoners' access to family members and the necessary food and supplies they provide is a critical issue.

Nay Pyi Taw Meetings

¶3. (SBU) Ojea Quintana reported that, on February 18 and 19 in Nay Pyi Taw, he met with the Minister of Foreign Affairs, Minister of Home Affairs, Minister of Labor/Regime Liaison, Chief Justice, Attorney General, Chief of Burma's Police Force, and Tripartite Core Group Chairman/Chairman of the Civil Service Training and Selection Commission Kyaw Thu.

Judiciary themes

¶4. (SBU) Ojea Quintana told the Diplomatic Corps he stressed judicial independence and legal reform in his meetings with the Chief Justice, Attorney General, and members of the Burmese Bar Association. Ojea Quintana described Chief Justice U Aung Toe as receptive to the need for judicial reform and said the jurist agreed in principle to accept a visit by the UN Special Rapporteur on the Independence of Judges and Lawyers. During a meeting with Attorney General U Aye Maung, Ojea Quintana raised the need for reform of Burma's criminal statutes. In response, the Attorney General claimed that a legal commission is already in the process of reviewing 380 statutes in accordance with international law and precedent. Ojea Quintana reported that members of the government-controlled Bar Association tried to steer their discussion towards the topic of legal ethics, but Ojea Quintana said he nonetheless registered the importance of respecting the right of counsel, and his serious concerns over the recent detention of several defense lawyers who represented political prisoners.

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Labor issues

¶5. (SBU) Ojea Quintana said Minister of Labor and Regime Liaison to ASSK Aung Kyi was very positive in his support of the ILO's Supplementary Understanding re forced labor. The Minister also recited statistics on the number of forced labor cases investigated and resolved. When Ojea Quintana asked Aung Kyi about the status of his dialogue with ASSK, the Minister said there have been no developments since May ¶2008. The Minister added that he "understands she refuses to meet" with him.

Prisoners of Conscience

¶6. (C) In a meeting with Minister of Home Affairs Maung Oo, Ojea Quintana said he stressed the need for a progressive release of all "prisoners of conscience" (the term he favors). According to Ojea Quintana, Maung Oo responded first by denying the existence of "political prisoners," but eventually said he would consider the proposal.

Reform of Security Forces

¶7. (SBU) With the Chief of the Myanmar Police Force Khin Yi, Ojea Quintana discussed proposals for reforming the military and police and the possibility of UNHRC conducting human rights training for the police. Quintana described the Chief of Police as "receptive" to the idea of training and said he is hopeful this will happen. The Chief of Police acknowledged the existence of the purportedly civilian Swan Arr Shin militia and told Ojea Quintana the GOB provides training to the group, which in some circumstances is allowed to be armed. In an aside, Ojea Quintana said he was surprised to learn from the Chief of Police that police sergeants sometimes act as prosecutors in remote parts of the country. (Note: It is extremely common for police officers to serve in a prosecutorial role in all parts of the country, including Rangoon. End note.)

Expanding the TCG?

¶8. (SBU) Ojea Quintana said the meeting with Foreign Minister Nyan Win was largely a courtesy call. In the meeting with Tripartite Core Group (TCG) Chairman and head of the Civil Service Selection and Training Commission Kyaw Thu, Ojea Quintana raised whether the TCG mandate might expand to other regions of humanitarian crisis like Rakhine and Chin States. He also suggested the training of civil servants in human rights principles.

Politics and the USDA

¶9. (SBU) On February 19, senior USDA officials (whom Ojea Quintana did not name) told the Special Rapporteur they are encouraging their members to participate in the 2010 elections. If members so decide, the USDA would form a political party as well. When Ojea Quintana asked whether any USDA members participated in the September 2007 crackdown, the officials grew evasive, but declared that some private citizens may have "spontaneously participated" in the crackdown out of a sense of civic duty.

The Meetings He Didn't Get

¶10. (C) Ojea Quintana lamented that the regime denied his request to meet with opposition leaders, including ASSK, to travel to Rakhine State (home of the Rohingya) and to visit prisons in Mandalay and Myitkyina (Kachin State). He said that the Ministry initially refused a request to meet with NLD Central Executive Committee member U Win Tin, whom Ojea Quintana met in August when U Win Tin was still a prisoner in

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Insein Prison. After Ojea Quintana insisted, the Ministry of Home Affairs granted the meeting this time. However, just before it was to take place, the Ministry delivered a letter - purportedly from U Win Tin - cancelling the meeting. While many in the Diplomatic Corps and Ojea Quintana's delegation were skeptical, the NLD has since told us that Win Tin did, in fact, cancel the meeting. Dr. Tin Moe Wai, the wife of detained National League for Democracy (NLD) Vice-chairman U Tin Oo told us February 20 that U Win Tin declined the meeting because he objected to Ojea Quintana's not being allowed by the regime to meet with the entire NLD Central Executive Committee.

Comment

¶11. (C) Unlike during Ojea Quintana's first "fact finding" visit, this time he presented a set of specific proposals for human rights reform to the GOB officials he met: reform of human-rights laws; release of prisoners of conscience; reform of security forces; and reform of the judiciary. The regime does not appear to have committed as yet to concrete actions to implement the recommendations, though there were murmurs of positive consideration about the least burdensome like human-rights training, and the CJ's reported receptivity to a visit by the UN Special Rapporteur on the Independence of Judges and Lawyers might be a breakthrough. Ojea Quintana made clear that at some point, if insufficient tangible progress occurs, he will reconsider his strategy of cooperating with the regime. For now though, he may still judge carrots are the most useful approach. It remains to be seen how hard Ojea Quintana will push Burma's generals on human rights, and how much patience he possesses.

DINGER